

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ANTONIO GRIFFIN,

Plaintiff,

v.

Civil Action No. **3:14CV196**

ROY W. CHERRY, et al,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on April 8, 2014, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Plaintiff with an *in forma pauperis* affidavit form for this purpose.

Additionally, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

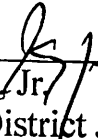
The April 8, 2014, Memorandum Order also warned Plaintiff that he must keep the Court informed as to his current address. On April 21, 2014, the United States Postal Service returned the April 8, 2014 Memorandum Order to the Court marked, "RETURN TO SENDER" and "MOVED WITHOUT FORWARDING ADDRESS." On May 20, 2014, the Court received a

notice of change of address from Plaintiff and the Clerk re-mailed the Court's April 8, 2014 Memorandum Order to Plaintiff at his new address on May 21, 2014. (*See* ECF No. 4; Staff Note.)

Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit form and a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 7/29/14
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
United States District Judge